



Arizona Department of Agriculture

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March 31, 2008

Docket No. APHIS-2007-0095
Regulatory Analysis and Development, PPD, APHIS
Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

To Whom It May Concern:

These comments are submitted in reference to Docket No. APHIS-2007-0095.

As the Chief Animal Health Official for the State of Arizona, an active participant in U.S./Mexico animal health issues for the past 16 years, and a founding member of the U.S./Mexico Binational Tick Committee, I support the proposed rule adding San Luis, Arizona as a port through which cattle that have been infested with or exposed to fever ticks or tick-borne diseases may be imported into the United States. The exact same critical controls of inspecting cattle and dipping them for ticks are in place at San Luis and other Arizona ports as are in place at Texas ports and the port at Santa Teresa, New Mexico. This fact, added to others outlined below, ensure that there will be no increased risk to cattle in the United States. This was also the conclusion reached by the risk analysis conducted by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services, Centers for Epidemiology and Animal Health.

In addition to having many years experience in Mexico reviewing various animal health program activities, I have personally worked with the state of Sonora, Mexico on their animal health programs for tuberculosis, brucellosis and Boophilus ticks since 1992. Sonora's tick eradication program was in place for decades before that. In fact, the Mexico Department of Agriculture (SAGARPA) recognized Sonora as Boophilus tick free in 1970. As part of Sonora's Boophilus tick prevention program, they implemented the same inspection and dipping processes and controls on their southern border as are followed by all U.S. ports of entry. This fact is a matter of public record and USDA, APHIS has the supporting documentation along with results of previous reviews of Sonora's tick eradication program conducted subsequent to the 2002 petition by SAGARPA and the state of Sonora, Mexico for USDA recognition as tick free. The supporting documentation validates that ALL shipments of cattle that cross into Sonora at Estacion Don are unloaded, run through a cattle chute, inspected, and dipped for ticks - that is ALL cattle, including cattle for export, and cattle destined for other states in Mexico such as Baja California. So in essence, Sonora has moved the "tick line" to their southern border with Sinaloa, Mexico. This ensures that not only are Sonora cattle protected, but also that there will be ZERO RISK that cattle with fever ticks arrive at the San Luis, Arizona port.

As further demonstration of Sonora's excellent preventive controls, not only have NONE of the Arizona ports of entry (San Luis, Douglas, and Nogales) found Boophilus ticks for more than 50 years in spite of thorough inspection, including during those years when cattle from "ticky states/areas", such as Sinaloa, Jalisco and Nayarit, crossed through Arizona ports prior to the implementation of the herd of origin certificate on Mexican origin cattle, but also NONE of the ports in Texas nor the port at Santa Teresa, New Mexico have detected Boophilus ticks on cattle shipments from "ticky states/areas" that have transited through Sonora to one of those ports by way of Estacion Don or Puerto San Luis, Sonora.

In view of the fact that all Arizona ports, including the port at San Luis, Arizona, follow the same inspection and dipping procedures as are used at the Texas ports and the port at Santa Teresa, New Mexico, and the fact that Sonora has equivalent inspection and dipping procedures at its southern border, cattle from "ticky states/areas" that cross through the San Luis, Arizona port will present a much lower risk for Boophilus ticks than cattle that cross through the Texas ports or the port at Santa Teresa, New Mexico. Cattle from "ticky states/areas" that cross into the U.S. through the San Luis, Arizona port will have crossed through two control points for detection of, and immersion treatment for, Boophilus ticks – the Sonora port at Estacion Don and the San Luis, Arizona port. Whereas, cattle that cross into the U.S. through one of the U.S. ports currently approved to handle cattle from "ticky states/areas" pass through only one control point - the U.S. port of entry - unless they pass through Sonora. While there are other inspection and dipping points in Mexico, none of them have implemented procedures equivalent to those used by USDA personnel, and as are employed at Estacion Don, Sonora. So, in short, cattle that cross through the port at San Luis, Arizona from "ticky states/areas" will present a lower risk than cattle that cross through any non-Arizona port.

The travel time and associated expense for cattle from "ticky states/areas" will be reduced if San Luis, Arizona is approved as a port that can handle these types of cattle. Previously, cattle from states such as Sinaloa had to travel larger distances to cross through a Texas port or the port at Santa Teresa, New Mexico. With the implementation of this rule, cattle will be able to cross at San Luis, Arizona reducing the travel time, stress on the cattle, and associated disease and death loss, and enhance the well-being of the cattle – without increasing the level of risk related to cattle fever ticks. This will be an economic benefit to U.S. cattlemen that receive these cattle as well as the cattle producers in Mexico.

Recent news of Boophilus tick infestations within and adjacent to the permanent quarantine zone in Texas are certainly alarming. However, it is important to note that NONE of those outbreaks and NONE of those problems are associated with cattle legally imported from Mexico, including cattle from "ticky states/areas". Rather, the tick problems being experienced by Texas are as a result of the presence of wildlife within the permanent quarantine zone that are suitable hosts for Boophilus ticks - animals that present a challenge for Boophilus tick treatment; and as a result of untreated, infested livestock straying into Texas from Mexico. San Luis, Arizona has neither of those challenges. Livestock do not stray from Mexico in the area of San Luis because there are no ranches in that area. In addition, there are essentially no mule deer or other wildlife hosts in the greater San Luis, Arizona/San Luis, Mexico area – the nearest wild ruminant is over 50 miles away. In short, legally crossed cattle, the only kind that cross in the San Luis, Arizona area, do not present any additional risk to California or other U.S. states, even if those cattle originate from "ticky states/areas" in Mexico.

The following are additional comments in bulleted form that require your consideration as the proposed rule is finalized:

- While the California State Veterinarian opposed the rule proposed in 2006 due to perceived increased risk of introduction of Boophilus ticks into California, it must be emphasized that prior to the implementation of the Herd of Origin Certificate for Mexican origin cattle in 1999, cattle from "ticky states/areas", such as Sinaloa, Jalisco and Nayarit, were crossing through all Arizona ports, including the port at San Luis, Arizona, and SHIPPED TO CALIFORNIA as well as other states in the west. There have been ZERO incidents of introduction of Boophilus ticks during that time. In addition, it must be noted that cattle from Baja California, a state not recognized by USDA as tick free, were crossing through the port at Mexicali into California when that port was operational for cattle crossing. Again, there were ZERO incidents of introduction of Boophilus ticks into California or any other state during that time. So, in spite of the fact that parts of California could support Boophilus ticks, there were NO INCURSIONS of Boophilus ticks during the DECADES when California was receiving these, so called, "high risk" cattle from "ticky states/areas."
- While the California State Veterinarian indicated in comments for the rule proposed in 2006 that Mexico has been experiencing problems with acaricide-resistant ticks, this fact does not in itself change the risk to California by allowing the port at San Luis, Arizona to handle cattle from "ticky states/areas" in Mexico. While I submit that the risk would actually be less if the San Luis, Arizona port was approved to handle cattle from "ticky states/areas", certainly the risk can be no greater than the current level of risk when cattle from "ticky states/areas" cross through the port at Santa Teresa, New Mexico and are transported to California. This is because even though the transit time for cattle shipments from San Luis, Arizona to California is less than the transit time for cattle shipments from Santa Teresa, New Mexico to California, the reduction in transit time of, at most, 8 hours does not present any significant additional risk of physically transporting viable Boophilus ticks that in the unlikely event survive the dipping process. Yet, because the transit time from the Mexican ranch of origin to the crossing point at San Luis, Arizona would be reduced, as well as the transit time from the San Luis, Arizona port to the California destination, this total reduction in transit time significantly reduces the costs of transportation, and the costs of disease and death loss associated with the longer transportation times.
- The California State Veterinarian suggests in his March 28, 2008 comments on the currently proposed rule that the USDA risk analysis did not take into consideration his claim that "(n)ot all Mexican cattle exporters have been consistent in meeting the USDA requirements for acaricidal dip as specified in the CFR." Although his claim is unsubstantiated, even if it were true, this is all the more reason for the San Luis, Arizona port to be approved. Cattle from "ticky states/areas" that cross at the San Luis, Arizona port would be subjected to TWO inspection and immersion events using USDA protocols – once at Estacion Don, Sonora and once at the San Luis, Arizona port.
- The California State Veterinarian indicated in comments for the rule proposed in 2006 that the volume of imports may not justify maintenance of adequate facilities and experienced personnel all of the time. In his March 28, 2008 comments to the currently proposed rule, he emphasizes that full-time staff are essential to handling the increased volume of cattle. The decision whether the economics justifies investment in facilities, and that full-time personnel must be in place is a decision that should be left to the facility operators, whether private or public, and Arizona federal and state animal health officials – not the California State Veterinarian. Arizona does not dictate appropriate staffing levels to California state and federal animal health officials. In point of fact,

there is CURRENTLY a FULL-TIME USDA veterinarian assigned to the San Luis, Arizona port and living in the San Luis, Arizona area (Yuma, Arizona) as well as a FULL-TIME veterinary technician that works during operations at the San Luis, Arizona port. This staffing level is more than sufficient to meet any increased workload.

- The California State Veterinarian suggested in comments for the rule proposed in 2006 that an economic study should be undertaken to determine whether full-time staff is warranted. No economic study is necessary because there already is full-time staff assigned to the San Luis, Arizona port. The economics of staffing and operation of a port at San Luis, Arizona is a local decision, not one that should be micromanaged by the California State Veterinarian.
- The California State Veterinarian indicates in his March 28, 2008 comments for the currently proposed rule that he disagrees with the USDA risk assessment that the total number of cattle imported into states other than Texas or their intended destination would change as a result of this proposed rule. I submit that the rationale he uses - that because of reduced costs - more cattle from "ticky states/areas" will be imported into California, is oversimplification. I agree with the USDA risk assessment that the total volume of cattle imported into the U.S. will not change in spite of a reduction in transportation costs; rather it is expected that there will only be a shift in port usage; namely, cattle from states such as Sinaloa and Baja California will begin crossing at the San Luis, Arizona port instead of ports further east. Whether the additional cattle that cross at San Luis, Arizona will be destined for California or some other state remains to be seen. During calendar year 2007, well over 4,000 head of cattle from Sinaloa crossed at Santa Teresa, New Mexico with California destinations. A similar number of cattle with California destinations crossed at Santa Teresa, New Mexico in 2006. There have been NO *Boophilus* tick infested cattle identified in California. While it is possible there will be more cattle from "ticky states/areas" going to California destinations if the current proposed rule is approved, it does not follow that California is at any increased risk since no problems have been discovered in California since cattle fever ticks were eradicated from the United States. Regardless, cattle from "ticky states/areas" that cross at the San Luis, Arizona port will present less risk to the U.S. cattle industry no matter what their destination.
- The California State Veterinarian indicated in comments for the rule proposed in 2006 that if that rule was implemented, to California's objections, and again in his March 28, 2008 comments for the currently proposed rule, staff at the San Luis, Arizona port should receive additional training and must comply with Standard Operating Procedures regarding ticks, bovine tuberculosis and brucellosis. This statement implies that staff at the San Luis port is less than competent. On the contrary, the staff at the San Luis port has received comparable training to staff at the Texas ports and the port at Santa Teresa, New Mexico. While USDA's own internal review of port operations pointed out the need for the implementation of standard operating procedures at all ports of entry, there have been no specific issues raised concerning the competence or lack thereof of port personnel at the San Luis, Arizona port or other Arizona port of entry. Any implication to the contrary is inappropriate and without basis in fact.
- The California State Veterinarian in comments for the rule proposed in 2006, and again in his March 28, 2008 comments for the currently proposed rule, listed seven items that the San Luis, Arizona port staff should receive training and be required to prove proficiency in. The San Luis, Arizona staff has received training comparable to that received by staff at other ports of entry - training that has covered the areas identified by the California State Veterinarian. I have personally observed inspection and dipping operations at Santa Teresa, New Mexico and at the Arizona ports of Douglas, Nogales and San Luis, and I can say that the San Luis, Arizona port staff is as capable and

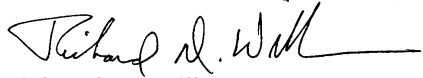
competent as staff at any other port of entry I have visited. Neither the California State Veterinarian, nor any of his staff has observed port operations at any Arizona port, including at San Luis, Arizona, and it is doubtful that they have visited any other U.S. port of entry. However, any suggestions to enhance training would likely be welcome by USDA. To require very specific training as a requirement to approve the San Luis port is inappropriate. All ports should receive the same training and if that training is enhanced over current levels, then personnel at all ports should receive it.

- The California State Veterinarian indicated in comments for the rule proposed in 2006, and again in his March 28, 2008 comments for the currently proposed rule, that the San Luis, Arizona port should not be approved until it passes inspection and approval. All port facilities must be approved by USDA before operation. It is unfair to withhold approval of this proposed rule until new facilities at San Luis, Arizona are built and approved. The current crossing facilities at San Luis, Arizona are approved by USDA to cross cattle TODAY. Although the San Luis, Arizona port is currently only approved to handle cattle from Sonora, the inspection and dipping procedures and facilities are the same as utilized at ports that are approved to handle cattle from "ticky states/areas." While the Sonora Cattlemen's Union is willing to make a substantial investment in new facilities, it is reluctant to do so until the San Luis, Arizona port is approved to handle cattle from "ticky states/areas". If any new facilities are built, they will be constructed to meet USDA requirements; however, approval of this rule should not be contingent on building new facilities.
- The California State Veterinarian indicated in comments for the rule proposed in 2006, and implied the same in his March 28, 2008 comments for the currently proposed rule, that SOP's need to be approved prior to approving the San Luis, Arizona port. While USDA has assembled an internal working group to draft and finalize a set of SOP's for use at all ports of entry, to delay approval of the San Luis, Arizona port until these SOP's are finalized and implemented is unrealistic, irrational and unfair. It would be just as inappropriate to suspend operations at all ports of entry until the SOP's are finalized and implemented at all U.S. ports of entry. Again, staff at the San Luis, Arizona port has received comparable training as staff at all other ports of entry.
- The California State Veterinarian indicated in comments for the rule proposed in 2006 that USDA should conduct regular reviews at the movement control checkpoint at the southern Sonora border (Estacion Don). While this is a not an unrealistic suggestion, it is interesting to note he did not suggest that other checkpoints in Mexico be reviewed. The teams that have reviewed Sonora's Boophilus tick program reported excellent controls at Estacion Don. Although one of the California State Veterinarian's staff has participated in tick reviews in Sonora, neither the California State Veterinarian, nor any of his staff has visited Estacion Don. The controls and procedures that Sonora has in place at Estacion Don are comparable to those at all U.S. ports of entry. This is a matter of public record. Regardless, the California State Veterinarian's suggestion to review Estacion Don should have no relation or bearing on the approval of the San Luis, Arizona port.
- The California State Veterinarian indicated in comments for the rule proposed in 2006 that he wants to see a commitment from SAGARPA to the goal of eradicating Boophilus ticks from all Border States before the San Luis, Arizona port is approved. SAGARPA has made that commitment, including financially, and verbalized that publicly during U.S./Mexico Binational Tick Committee meetings in 2007 and 2008. That is a matter of public record. These recent efforts by SAGARPA, in cooperation with the state governments and cattlemen's associations of the Border States, have demonstrated success.

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Comments from Richard D. Willer, Arizona State Veterinarian
March 31, 2008

As Chief Animal Health Official for the state of Arizona and a founding member of the U.S./Mexico Binational Tick Committee, I support this proposed rule and strongly urge unconditional approval as soon as possible.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard D. Willer", with a long horizontal flourish extending to the right.

Richard D. Willer, DVM
Arizona State Veterinarian
Member of the U.S./Mexico Binational Tick Committee